



April 20, 2017

BY ELECTRONIC FILING

Marlene H. Dortch
 Secretary
 Federal Communications Commission
 445 12th Street, S.W.
 Washington, DC 20554

Re: REVISED NOTICE OF EX PARTE
GN Docket No. 17-83: *Accelerating Broadband Deployment;*
WT Docket No. 16-421: *Comment Sought on Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies; Mobilitie, LLC Petition for Declaratory Ruling.*

Ms. Dortch:

On the eve of the Broadband Deployment Advisory Committee's ("BDAC") first meeting, we write to congratulate Chairman Pai, Federal Communications Commission ("FCC" or "Commission") staff, and BDAC leadership as they tackle an ambitious agenda of great consequence to our companies and other Competitive Carriers Association ("CCA")¹ members.

¹ CCA is the nation's leading association for competitive wireless providers and stakeholders across the United States. CCA's membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents approximately 200 associate members including vendors and suppliers that provide products and services throughout the mobile communications supply chain.

Broadband siting reform is an important precursor for deploying today's wireless technology and next generation networks, and those networks will reinforce the need for dense small cell and distributed antenna equipment deployment to help our companies compete in the mobile marketplace. As executives of wireless and technology companies, we are proud to serve rural and regional communities throughout the United States and therefore agree with Chairman Pai that streamlining and standardizing infrastructure deployment is about bridging the digital divide in rural and underserved areas.² Competitive carriers and our customers alike recognize the importance of expanding access to high-speed mobile broadband. We urge the BDAC to consider the needs and interests of competitive carriers serving rural, underserved areas as well as urban and densely-populated cities. Serving our communities for generations and creating thousands of local jobs, our companies deploy towers, poles, fiber, and antennas of varying size to bring our customers the fastest possible broadband speeds and latest services and technologies, often across challenging terrain and with limited resources. Like funding for universal service, rational, predictable broadband deployment frameworks at the local, state and national level are important to promote connectivity in these regions outside major urban areas, and to spur economic productivity.³

CCA urges the BDAC to take into consideration CCA's siting policy objectives⁴ proposed in a pending proceeding.⁵ Specifically, the BDAC should, at minimum: (1) reduce unnecessary delays throughout state and local siting requirements with; (2) support new buildout opportunities by

² See Remarks of FCC Chairman Ajit Pai at the U.S.-India Business Council, Washington, D.C., at 3 (Mar. 29, 2017) (digital infrastructure is "an economic issue, a jobs issue, a competitiveness issue, an education issue, and a healthcare issue...Every American who wants to participate in our digital economy should be able to do so. We can't allow technological innovation and the benefits that flow from it to be confined to the areas identified as hotbeds of innovation..."); see also Remarks of FCC Commissioner Ajit Pai at the CTIA Wireless Foundation Smart Cities Expo, Washington, D.C., at 2 (Nov. 2, 2016) (the Digital Empowerment Agenda "will allow all Americans, no matter their race, religion, gender, or sexual orientation, no matter where they live, no matter their personal background, to access broadband and improve their lives"); Remarks Of FCC Chairman Ajit Pai At Carnegie Mellon University's Software Engineering Institute, "Bringing The Benefits Of The Digital Age To All Americans", Pittsburgh, PA, at 4 (Mar. 15, 2017).

³ See *Attachment*, CCA, Regulatory Steps to Siting Mobile Infrastructure.

⁴ See Comments of Competitive Carriers Association, WT Docket No. 16-421 (filed Mar. 8, 2017); see also Reply Comments of Competitive Carriers Association, WT Docket No. 16-421 (filed Apr. 7, 2017).

⁵ *Comment Sought on Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies*; *Mobilitie, LLC Petition for Declaratory Ruling*, Public Notice, DA 16-1427, WT Docket No. 16-421 (rel. Dec. 22, 2016); see also *Mobilitie, LLC Petition for Declaratory Ruling, Promoting Broadband for All Americans by Prohibiting Excessive Charges for Access to Public Rights of Way* (filed Nov. 15, 2016) ("Mobilitie Petition").

suggesting that that Commission limit inconsistent and often exorbitant right-of-way (“ROW”) fees to actual costs of review and ROW maintenance; (3) seek to reduce growing costs attached to historic and environmental review requirements and establish reasonable review timelines;⁶ (4) streamline siting on federal lands, including reasonable fee and timing clarifications; and, (5) perhaps cumulatively, create and recommend adoption of a model code which will provide certainty as we work with various state and local governments to upgrade and deploy broadband infrastructure. These suggestions will help make bridging the digital divide possible, while creating jobs and stimulating the local economies of often-poor or economically-challenged towns and counties that would benefit the most from more robust broadband deployment.⁷

CCA and its members look forward to working with the Commission and the BDAC to lower broadband deployment barriers. We encourage the BDAC to make recommendations targeting both urban and rural deployments, keeping small carriers in mind. Please do not hesitate to contact our trade association representatives at Competitive Carriers Association with questions.

Sincerely,



Michael Prior
President & CEO
ATN International



Ronald Smith
President & CEO
Bluegrass Cellular



Slayton Stewart
Chief Executive Officer
Carolina West Wireless



Patrick Riordan
President & CEO
New-Cell, Inc.
d/b/a Cellcom



Jonathan Foxman
President & CEO
MTPCS, LLC
d/b/a Cellular One



Brian Spurgeon
General Manager
Chat Mobility

⁶ More specifically, the BDAC should review and revise National Environmental Policy Act and National Historic Preservation Act processes to limit prohibitive costs and unreasonable delays.

⁷ As noted in Deere & Company’s recent letter, expanding broadband deployment opportunities in rural areas is challenging and merits “special attention” considering access to high-speed broadband “is critical for virtually all sectors of our nation’s economy and workforce,” as well as education, healthcare, and “continued U.S. leadership in innovation.” See *Ex Parte* Letter from Mark N. Lewellen, Manager of Spectrum Policy, Deere & Company, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 17-83, 1 (filed Apr. 14, 2017).



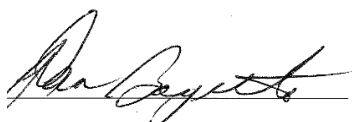
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Chief Executive Officer
NTT Docomo, Inc.



Dan Boyette
Vice President
GCI



Brent D. Groome
Chief Executive of Marketing,
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HTC, Inc.



Craven Shumaker
President & CEO
iWireless



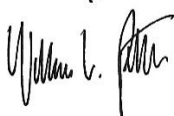
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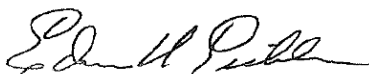
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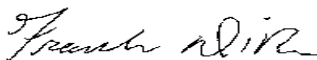
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Jonathan Adelstein, Chair, Streamlining Federal Siting Working Group, BDAC
Valerie Fast Horse, Vice Chair, Streamlining Federal Siting Working Group, BDAC



Competitive Carriers Association
Rural • Regional • Nationwide®

Regulatory Steps to Siting Mobile Infrastructure



Start Here

FAA Compliance

Towers near airports or over 200 ft.

Form 7460-1
(Notice of Proposed
Construction or Alteration)



Hazard
Determination

Resolve



No Hazard
Determination

Antenna
Structure
Registration
(ASR with FCC)

NEPA Compliance

Categorical Exemption?

Residential
Concerns

Wilderness
& Wildlife
Considerations

Floodplain

Tribal &
Historical
Sites

Structure
over 450 ft.

Radiofrequency
Exposure Limit

No

Yes

FCC Requires
EA?

No

Conduct
Environmental
Assessment (EA)
and Form 601

Antenna
Registration
Needed?



Approval

Submit
EA

Public
Notice
(FCC-issued)

Petitions
to Deny

FCC
Additional
Info Requests



No Issues

FCC Issues
an EIS

FCC Grants
FONSI

Mitigate
Impacts

Move /
Change
Site

No
Construction

Section 106/NHPA

NHPA
Compliance

Exempt Under NPA?



Notice to
Tribes
Still
Needed?



Define APE

ID Historic
Properties

Assess Impact

Consult
with Tribes



Notice to Tribes
& SHPO/THPO

Submission
Packet

Define APE

ID Historic
Properties

Assess Impact

Notify Public

Notify Local
Governments

Consult with
Tribes &
SHPO/THPO



PROBLEM
AKA Adverse
Effect

Negotiate

MOU



Negotiations
Round 2:

ACHP Council
Rules

Consulting,
Reviews



Can't Resolve
Problem

ACHP
Comments

FCC
Decides



No
Construction



NO PROBLEM

Start
Construction



NO PROBLEM



PROBLEM
Historic Artifact or
Adverse Effect

State/Local Authority

Moratorium?

No

Yes

Complete Local
Application

No
Communication?

Section 6409(a)
Review

Indefinite
Delay



Section 332
Review

Shot Clocks
Collocation
(90 Days)

and / or
New Construction
Applications
(150 Days)

Incomplete
Application?
and / or
Additional
Negotiations?

Other Local
Considerations
(Public Hearing)

Application
Approved!

Additional
Fees

Application
Denied

No
Construction

Possible
Litigation

Litigation Fees
and Delays

Litigation Fees
and Delays

Litigation Fees
and Delays

Litigation Fees
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